

MINING DAMAGE PREVENTION AND RESTORATION ACT

Act No. 7551, May 31, 2005

Amended by Act No. 8355, Apr. 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9010, Mar. 28, 2008

Act No. 9982, Jan. 27, 2010

Act No. 10496, Mar. 30, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12154, Jan. 1, 2014

Act No. 13080, Jan. 28, 2015

Article 1 (Purpose)

The purpose of this Act is to properly manage mining damage in order to protect the natural environment and enable people to live in a pleasant environment.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8355, Apr. 11, 2007; Act No. 9982, Jan. 27, 2010; Act No. 13080, Jan. 28, 2015>

1. The term "mining damage" means the mining damage referred to in subparagraph 5 of Article 2 of the Mining Safety Act;
2. The term "active mine" means a mine in which the ground is drilled to extract minerals or from which minerals are extracted under an authorization for a mining plan pursuant to Article 42 (1) of the Mining Industry Act (including where it applies mutatis mutandis to mining lessees pursuant to Article 61 of the same Act);
3. The term "inactive mine" means a mine in which mineral extraction is suspended under an authorization for suspension pursuant to Article 42-2 (2) of the Mining Industry Act (including where it applies mutatis mutandis under Article 61 of the same Act);
4. The term "abandoned mine" means a mine in which mining of minerals is no longer possible due to any of the following causes:
 - (a) Expiration of the duration of a mining concession referred to in Article 12 of the Mining Industry Act;

- (b) Cancellation of a mining concession and mining lease or reduction of mining areas referred to in Article 34 or 61 of the Mining Industry Act;
 - (c) Cancellation of a mining concession referred to in Article 35 of the Mining Industry Act;
 - (d) Expiration of the duration of a mining lease referred to in Article 49 of the Mining Industry Act;
 - (e) Expiration of the validity of authorization for the establishment of a mining lease referred to in Article 52 (3) of the Mining Industry Act;
 - (f) Extinction of a mining lease referred to in Article 56 of the Mining Industry Act;
 - (g) Cancellation of a mining lease referred to in Article 57 of the Mining Industry Act;
 - (h) Extinction of a mining concession by reason of the closure of business by the mining concession holder;
5. The term "mining damage prevention project" means any project implemented pursuant to Article 11 to prevent the mining damage referred to in subparagraph 1 (hereinafter referred to as "mining damage") and to reinstate the environment;
6. The term "operator of a mining damage prevention project" means a person who implements a mining damage prevention project pursuant to Article 12;
7. The term "person responsible for preventing mining damage" means each of the following persons:
- (a) A mining right holder or mining lessee who has obtained authorization for a mining plan pursuant to Article 42 or 61 of the Mining Industry Act;
 - (b) A mining concession holder or mining lessee of an inactive mine or abandoned mine referred to in subparagraphs 3 and 4.

Article 3 (Duties of State)

The State shall devise policies to actively prevent mining damage in order to protect the natural environment and promote the people's health.

Article 4 (Relations with Other Acts)

Except as otherwise expressly provided for in other Acts, matters concerning mining damage prevention projects shall be governed by this Act.

Article 5 (Effectiveness of Acts)

Every order, procedure or other acts issued or conducted under this Act shall have effect on persons responsible for preventing mining damage, operators of mining damage prevention projects and other interested persons.

Article 6 (Promotion of Policies for Prevention of Mining Damage)

(1) The Minister of Trade, Industry and Energy shall implement any of the following projects to promote the policies for the prevention of mining damage referred to in Article 3: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

- 1. Investigation of mines in which mining damage has occurred and preparation of a map thereof;
- 2. Research and technology development for the prevention of mining damage;

3. Support for implementing the mining damage prevention projects referred to in Article 11;
 4. Prevention of mining damage in the inactive mines and abandoned mines of which the person responsible for preventing mining damage is unable to do so directly by reason of his/her death or other causes.
- (2) If deemed necessary for mining damage prevention, the Minister of Trade, Industry and Energy may request the head of any relevant central administrative agency to provide cooperation. In such cases, the head of the relevant central administrative agency shall comply with the request, except in extenuating circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) Where mining damage occurs or the operator of a mining damage prevention project neglects the duty to prevent mining damage, the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-governing City, the Governor of a Do, or the Governor of a Special Self-governing Province (hereinafter referred to as "Mayor/Do Governor") shall notify the Minister of Trade, Industry and Energy thereof without delay. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>

Article 7 (Formulation of Mining Damage Prevention Master Plan)

- (1) The Minister of Trade, Industry and Energy shall formulate a master plan for mining damage prevention (hereinafter referred to as "master plan") every five years, in consultation with the heads of the relevant central administrative agencies and Mayors/Do Governors. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) A master plan shall include the following matters:
1. Occurrence or non-occurrence, and degree of mining damage in active mines, inactive mines and abandoned mines;
 2. Mining damage prevention plans by cause of occurrence of mining damage;
 3. Plans for the installation, operation and management of mining damage prevention facilities;
 4. Investment plans for the prevention of mining damage;
 5. Research and development of mining damage prevention technologies;
 6. Other matters determined by Presidential Decree, which are necessary for the prevention of mining damage.
- (3) The formulation, modification and implementation of a master plan and other necessary matters shall be determined by Presidential Decree.

Article 8 (Formulation of Mining Damage Prevention Action Plans, etc.)

- (1) The Minister of Trade, Industry and Energy shall formulate and publish (including posting on the Internet website; hereinafter the same shall apply) a mining damage prevention action plan (hereinafter referred to as "action plan") for the following year, each year. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) When the Minister of Trade, Industry and Energy intends to formulate an action plan pursuant to paragraph (1), he/she shall consult thereon with the heads of the relevant central administrative agencies.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The operator of each mining damage prevention project shall formulate a mining damage prevention project plan (hereinafter referred to "project plan") in accordance with an action plan published pursuant to paragraph (1) and obtain approval thereof from the Minister of Trade, Industry and Energy prior to the commencement of such project. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The operator of each mining damage prevention project, who intends to revise a project plan approved pursuant to paragraph (3), shall obtain prior approval therefor from the Minister of Trade, Industry and Energy: Provided, That the same shall not apply to revisions to the minor matters determined by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) Procedures for the formulation and approval of project plans and other necessary matters shall be determined by Presidential Decree.

Article 9 (Cancellation of Approval of Project Plans, etc.)

(1) In any of the following cases, the Minister of Trade, Industry and Energy may cancel approval of a project plan or approval for a revision to a project plan, which are referred to in Article 8 (3) and (4), or issue an order for improvement for a specified period of up to one month: Provided, That in cases falling under subparagraph 1, he/she shall cancel such approval: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>*

1. Where approval of a project plan or approval for a revision to a project plan is obtained by means of false or other unjust methods;
2. Where a mining damage prevention project is not commenced until the project period, which is fixed by a project plan, expires;
3. Where a mining damage prevention project is implemented by revising a project plan without obtaining approval for a revision referred to in Article 8 (4);
4. Where a person who has obtained approval of a project plan or approval for a revision thereto transfers the mining damage prevention project without permission.

(2) Matters necessary for the cancellation of approval of a project plan or approval for a revision thereto, and the order for improvement, which are referred to in paragraph (1) shall be determined by Presidential Decree. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 10 (Duties of Persons Responsible for Preventing Mining Damage, etc.)

(1) Every person responsible for preventing mining damage shall assume the duty to prevent mining damage.

(2) Every person responsible for preventing mining damage shall bear the costs for each of the following activities as prescribed by Presidential Decree:

1. Prevention of mining damage in accordance with implementation plans;
2. Prevention of mining damage that occurs at the time of suspending or abandoning a mine;
3. Prevention of mining damage that occurs after abandoning a mine and installation, operation and management of mining damage prevention facilities;

4. Other activities, such as compensation for damage caused by mining damage as a result of the development of a mine and restoration to the original state.

(3) Any person that succeeds to a mining concession or mining lease shall succeed to the duties of the previous mining concession holder or mining lessee for preventing mining damage, which is assumed pursuant to paragraph (1). *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 10-2 Deleted. *<by Act No. 10496, Mar. 30, 2011>*

Article 11 (Scope of Mining Damage Prevention Projects)

The scope of a mining damage prevention project shall be as follows: *<Amended by Act No. 9010, Mar. 28, 2008>*

1. Prevention of any of the following mining damage, which occurs or is likely to occur in active mines, inactive mines or abandoned mines and restoration of deteriorated areas;

(a) Waste rocks generated during the development of mines;

(b) Mining wastes, tailings and leachate which are generated in the process of selecting and refining minerals;

(c) Sinking and cracking of the ground which result from the collapse of a site where minerals are extracted, etc.;

(d) Polluted water drained out of pits, and sewage and waste water which are generated in selecting sites;

(e) Noise, quakes and dust which are caused by mining activities;

(f) Others, such as the deterioration of forests and land (including the pollution of soil and farmland) which is caused by mining activities;

2. Removal and disposal of facilities, materials, etc. unused in abandoned mines;

3. Installation, operation and management of mining damage prevention facilities in active mines, inactive mines and abandoned mines;

4. Investigations (including intensive investigations of soil), research, technology development and education for the prevention of mining damage;

5. Domestic and international technical cooperation for the prevention of mining damage;

6. Matters determined by Presidential Decree, such as the improvement of polluted soil.

Article 11-2 (Consideration of Opinions on Use and Development of Land, etc.)

(1) Each person who intends to use or develop facilities, land, forests, fields, etc. in which a project for the prevention of mining damage and restoration of deteriorated areas referred to subparagraph 1 of Article 11 has been completed, shall consider the opinion of the Minister of Trade, Industry and Energy in advance, and reflect his/her opinion therein. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

(2) Each person who has the authority to approve or permit the use or development of facilities, land, forests, fields, etc. in which a project for the prevention of mining damage and restoration of deteriorated areas has been completed shall verify whether the person who intends to use or develop such facilities, land, forests, fields, etc., has considered the opinion of the Minister of Trade, Industry and Energy and

reflected his/her opinion pursuant to paragraph (1) before he/she grants the relevant approval or permission. <Newly Inserted by Act No. 13080, Jan. 28, 2015>

Article 12 (Implementation of Mining Damage Prevention Project)

(1) A mining damage prevention project shall be implemented by a person responsible for preventing mining damage directly: Provided, That where a person responsible for preventing mining damage cannot implement such project directly due to the causes determined by Presidential Decree, such as the lack of technical capacity, the Minister of Trade, Industry and Energy shall implement such project. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Trade, Industry and Energy implements a mining damage prevention project pursuant to paragraph (1), he/she may outsource all or part of such project to the following persons for the efficient implementation of the project: Provided, That in cases of research and technology development projects for the prevention of mining damage, which is referred to in subparagraph 2 (d), they may be outsourced to a relevant academic or research institution, other than the operator of a specialized mining damage prevention project referred to in subparagraph 2, depending on the nature of the development projects: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>

1. Mine Reclamation Corporation referred to in Article 31;

2. A person specialized in any of the following projects and registered with the Minister of Trade, Industry and Energy pursuant to Article 13 (hereinafter referred to as "operator of a specialized mining damage prevention project"):

(a) Restoration of forests;

(b) Improvement, restoration and purification of soil (including farmland);

(c) Improvement of the quality of polluted water, and prevention and restoration of ground subsidence;

(d) Research, technology development and supervision for the prevention of mining damage;

(e) Other projects determined by Ordinance of the Ministry of Trade, Industry and Energy for the efficient implementation of mining damage prevention projects.

Article 13 (Registration of Operators of Specialized Mining Damage Prevention Projects, etc.)

(1) Each person, who intends to become the operator of a specialized mining damage prevention project, shall be registered with the Minister of Trade, Industry and Energy, satisfying the standards determined by Presidential Decree for registration, such as technical capability, facilities, equipment, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The operator of each specialized mining damage prevention project, who intends to change the matters registered pursuant to paragraph (1), shall file an application for registration of the changed matter with the Minister of Trade, Industry and Energy: Provided, That where changing a minor matter determined by Ordinance of the Ministry of Trade, Industry and Energy, he/she shall file a report on the changed matter. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) No operator of each specialized mining damage prevention project (in cases of a corporation, referring to its representative) shall become the operator of another specialized mining damage prevention project, or an executive or employee thereof. *<Amended by Act No. 13080, Jan. 28, 2015>*

Article 14 (Grounds for Disqualification)

Any of the following persons shall be disqualified from being the operator of a specialized mining damage prevention project: *<Amended by Act No. 13080, Jan. 28, 2015>*

1. A minor or incompetent under the adult guardianship;
2. A bankrupt who has not yet been reinstated yet;
3. A person sentenced to imprisonment with prison labor or heavier punishment for a violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including where the execution of such punishment is deemed terminated) or exempted;
4. A person subject to a suspended sentence of imprisonment with prison labor or heavier punishment as declared by a court for violating this Act;
5. A person in whose case two years have not passed from the date on which his/her registration was cancelled (excluding where his/her registration was cancelled because he/she fell under subparagraph 1 or 2) after being registered as the operator of a specialized mining damage prevention project;
6. A corporation which has an executive falling under any of subparagraphs 1 through 4.

Article 15 (Cancellation of Registration, etc.)

(1) Where the operator of a specialized mining damage prevention project falls under any of the following subparagraphs, the Minister of Trade, Industry and Energy may cancel the registration thereof or order the suspension of the relevant business for a fixed period not exceeding six months: Provided, That where the operator of the specialized mining damage prevention project falls under any of subparagraphs 1 and 4 through 6, his/her registration shall be cancelled: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

1. Where the operator of a specialized mining damage prevention project files an application for registration or registration of a changed matter under Article 13 by deception or other fraudulent means;
2. Where the operator of a specialized mining damage prevention project implements the project without registration of a changed matter under Article 13;
3. Where the operator of a specialized mining damage prevention project ceases to meet any of the standards for registration prescribed by Presidential Decree pursuant to Article 13 (1), or violates paragraph (3) of the aforesaid Article;
4. Where the operator of a specialized mining damage prevention project falls under any of the subparagraphs of Article 14: Provided, That the foregoing shall not apply where a corporation falling under subparagraph 6 of Article 14 replaces the relevant executive within six months;
5. Where the operator of a specialized mining damage prevention project awards a contract for all, or an important part specified by Presidential Decree, of a mining damage prevention project outsourced pursuant to Article 12 (2);

6. Where the operator of a specialized mining damage prevention project allows a third party to use his/her registered name.
- (2) Where the Minister of Trade, Industry and Energy intends to cancel registration pursuant to paragraph (1), he/she shall hold a hearing. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (3) Matters necessary for procedures for cancelling registration and holding a hearing, as referred to in paragraphs (1) and (2), shall be determined by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (4) When a relevant party orally states his/her opinion in a hearing held pursuant to paragraph (2), the Minister of Trade, Industry and Energy shall record a summary of the statement and the party who states an opinion, in writing. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (5) When a person subject to a disposition for cancellation of registration cannot present his/her opinion in response to a hearing referred to in paragraph (2), due to a natural disaster or other unavoidable cause, he/she may state his/her opinion within ten days after the date on which such cause ceases to exist.
- (6) Notwithstanding the provisions of paragraphs (2) through (5), when a relevant party expressly waives his/her opportunity to state an opinion, a statement of opinion need not be attached.

Article 16 (Notifying Related Agency of Results of Project Implementation)

The Minister of Trade, Industry and Energy shall notify the head of a related central administrative agency of the results of the project implementation for the year in which the mining damage prevention project has been implemented pursuant to Article 12.

Article 17 (Emergency Mining Damage Prevention Projects)

- (1) When unpredictable mining damage occurs as a consequence of an accident, natural disaster, breakdown of mining damage prevention facilities, etc., the operator of a mining damage prevention project may implement the mining damage prevention project after reporting such fact to the Minister of Trade, Industry and Energy without delay, notwithstanding the provisions of Article 8 (3) and (4). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (2) Each person who implements a mining damage prevention project referred to in paragraph (1) (hereinafter referred to as "emergency mining damage prevention project") shall formulate a progress report and emergency mining damage prevention plan and obtain approval thereof from the Minister of Trade, Industry and Energy within 30 days from the date of commencement of the emergency mining damage prevention project. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (3) When the Minister of Trade, Industry and Energy grants approval of the emergency mining damage prevention plan referred to in paragraph (2), he/she shall notify the heads of the relevant central administrative agencies thereof. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (4) When an emergency mining damage prevention plan referred to in paragraph (2) contains a project other than the mining damage prevention project referred to in Article 11, the Minister of Trade, Industry and Energy may order the change or suspension of the emergency mining damage prevention project. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 18 (Progress Payments for Costs of Mining Damage Prevention Projects)

(1) With respect to those subjected to the cancellation of registration or the suspension of business pursuant to Article 15, or those subjected to an order for suspension pursuant to Article 17 (4) after implementing an emergency mining damage prevention project, the Minister of Trade, Industry and Energy may reimburse all or some expenses incurred in the emergency mining damage prevention project prior to the occurrence of the activities giving rise to the cancellation of registration, the suspension of business or order for suspension, based upon the progress of the project that has been already implemented and contribution to the whole project. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

(2) Matters necessary for the criteria and procedures for reimbursing project expenses referred to in paragraph (1) shall be determined by Presidential Decree.

Article 19 (Expropriation, Use, etc. of Land, etc.)

(1) When necessary for the installation, management and maintenance of the mining damage prevention facilities of active mines, inactive mines and abandoned mines, the operator of a mining damage prevention project may expropriate or use a third party's land or buildings built thereon and other things (hereinafter referred to as "land, etc.") or change or remove a third party's plants and other obstacles (hereinafter referred to as "plants, etc.>").

(2) Except as otherwise expressly provided for in this Act, the provisions of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the procedures for the expropriation, use, change, removal, etc. referred to in paragraph (1). In such cases, "approval" referred to in Articles 8 (3) and 17 (2) shall be construed as "project approval" referred to in Article 20 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, and an application for adjudication may be made during the period for a mining damage prevention project fixed by a project plan, notwithstanding the provisions of Article 23 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects and Article 28 (1) of the same Act.

(3) In any of the following cases, the operator of a mining damage prevention project may temporarily use land, etc. or change or remove plants, etc., notwithstanding the provisions of paragraph (2): Provided, That when land, etc. is used for residential purposes, he/she shall consult with the dweller concerned on the date, time and period of the use in advance:

1. Temporary use of a third party's land, etc. for a period of up to 15 days in the circumstance that mining damage prevention facilities are destroyed or are likely to be destroyed because of natural disasters and other emergencies;
2. Change or removal of neglected plants, etc. where the neglected plants, etc. that obstruct mining damage prevention facilities are deemed likely to cause considerable damage to the relevant supply facilities or are deemed likely to cause other mining damage.

(4) When the operator of a mining damage prevention project shall notify the owner or occupier of such fact immediately, when temporarily using a third party's land, etc. or changing or removing plants, etc.

pursuant to paragraph (3).

(5) When loss is caused by the expropriation, use, change or removal referred to in paragraph (1) or (3), the operator of a mining damage prevention project shall compensate such loss by applying the provisions of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects *mutatis mutandis* thereto.

Article 20 (Entry into Land, etc.)

(1) When necessary for the investigation, installation, maintenance and safety control of mining damage prevention facilities in active mines, inactive mines and abandoned mines, the operator of a mining damage prevention project may enter or temporarily use a third party's land or the buildings and other structures that are fixed thereon and may, when particularly necessary, change or remove plants, etc.

(2) The provisions of Articles 130 (2) through (9) and 131 of the National Land Planning and Utilization Act shall apply *mutatis mutandis* to cases falling under paragraph (1).

Article 21 (Use of Public Land or Facilities)

(1) When necessary for the use of public land or facilities owned or managed by the State, local governments or other public institutions for a mining damage prevention project, the operator of the mining damage prevention project may use them, obtaining permission from the manager of the relevant land or facilities within the extent that does not considerably impair the usefulness thereof.

(2) In cases falling under paragraph (1), when the manager of public land or facilities refuses to accept a request for permission without just cause or place inappropriate conditions, the competent Minister or the head of the local government that has jurisdiction over the manager of the relevant land or facilities may permit the use or change the conditions of permission upon application of the operator of the mining damage prevention project.

(3) The competent Minister or the head of each local government, who intends to permit the use or change the conditions of permission pursuant to paragraph (2), shall consult with the Minister of Trade, Industry and Energy in advance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 22 (Raising of Mining Damage Prevention Funds)

(1) The Minister of Trade, Industry and Energy shall raise mining damage prevention funds with the following financial resources: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12154, Jan. 1, 2014>*

1. Charges paid by persons responsible for preventing mining damage pursuant to Article 24;
2. Government contributions or subsidies referred to in Article 5 (2) of the Act on the Special Accounts for Energy and Resources-Related Projects;
3. Assistance project funds for mining damage prevention facilities referred to in Article 27 (1) 1 of the Coal Industry Act and funds for measures to prevent mining damage in the mines to be abandoned pursuant to Article 39-3 (1) 3 of the same Act;
4. Contributions or subsidies provided in accordance with other Acts, such as ecosystem preservation cooperation charges referred to in Article 49 of the Natural Environment Conservation Act and refund

of ecosystem preservation cooperation charges referred to in Article 50 of the same Act.

(2) With respect to the mining concession holders or mining lessees of inactive mines and abandoned mines, the Minister of Trade, Industry and Energy shall settle the charges imposed on the persons responsible for preventing mining damage as referred to in Article 24, which were collected during the operation of the mines: Provided, That he/she may impose surcharges for the deficiencies of mining damage prevention project expenses, management and maintenance expenses for mining damage prevention facilities in operation and other operating expenses. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) The mining damage prevention funds raised pursuant to paragraph (1) 1 and 4 and the surcharges collected pursuant to Article 26 (2) shall be paid to revenue in accordance with the Act on the Special Accounts for Energy and Resources-Related Projects. *<Amended by Act No. 12154, Jan. 1, 2014>*

Article 23 (Use of Mining Damage Prevention Funds)

(1) Mining damage prevention funds shall be used for each of the following purposes: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Implementation of mining damage prevention projects;
2. Compensation for loss caused by mining damage;
3. Installation, operation, and management and maintenance of mining damage prevention facilities in inactive mines and abandoned mines;
4. Examination (including intensive examination of soil), research, technology development and education on the impacts of mining damage on surrounding environments and mining damage prevention projects;
5. Domestic and international cooperation for the prevention of mining damage;
6. Operation of the Mine Reclamation Corporation referred to in Article 31;
7. Loans for mining damage prevention projects implemented by mining concession holders or mining lessees of active mines;
8. Other projects determined by Presidential Decree, necessary for the prevention of mining damage.

(2) Any deficit incurred as a result of implementing projects referred to in paragraph (1) 1 through 3 and 7 may be written off at the expense of the mining damage prevention funds.

Article 24 (Charges on Persons Responsible for Preventing Mining Damage)

(1) The Minister of Trade, Industry and Energy may have persons responsible for preventing mining damage bear all or some expenses incurred in prevention of mining damage and restoration of the natural environment: Provided, That the foregoing shall not apply to a mining concession holder or mining lessee of a coal mine eligible to receive funds for measures to support an abandoned mine under Article 39-3 of the Coal Industry Act. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

(2) Expenses to be borne by persons responsible for preventing mining damage pursuant to paragraph (1) (hereinafter referred to as "charge") shall be calculated for each mine, in accordance with each of the

following criteria: *<Amended by Act No. 10496, Mar. 30, 2011>*

1. Mineral production of the preceding year;
2. Cause and frequency, and scope of mining damage;
3. The number of years and extent of operating a mine;
4. Annual plan for the installation of mining damage prevention facilities;
5. Possibility that mining damage advances after suspending or abandoning a mine and the expected period of the termination thereof;
6. Total amount of expenses for a mining damage prevention project;
7. Total amount of charges accumulated by the preceding year;
8. Where mining damage causes loss to third parties, the total amount of expenses for the compensation therefor (limited to where compensation for damage is to be paid as a charge);
9. Reduction and exemption of mining damage prevention expenses imposed by other Acts concurrently herewith;
10. Other expenses for the prevention of mining damage.

(3) The Minister of Trade, Industry and Energy shall give notice (including electronic notice; hereinafter the same shall apply) of a charge calculated pursuant to paragraph (2) to persons responsible for preventing mining damage by January 15 each year: Provided, That when the emergency mining damage prevention project referred to in Article 17 is required, he/she shall give notice of approval of a plan for emergency mining damage prevention, along with notice of the charge. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10496, Mar. 30, 2011; Act No. 11690, Mar. 23, 2013>*

(4) Each person responsible for preventing mining damage shall pay the charge which he/she is notified pursuant to paragraph (3) within 30 days from the date he/she receives such notice.

(5) The Minister of Trade, Industry and Energy may allow persons responsible for preventing mining damage to pay charges in lump-sum or in installments. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) The Minister of Trade, Industry and Energy shall formulate necessary measures to reduce the charges on persons responsible for preventing mining damage. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(7) Other matters necessary for the criteria for the calculation of, procedures for imposition, etc. of charges shall be determined by Presidential Decree.

Article 25 (Additional Collection and Refund of Charges)

(1) When a person responsible for preventing mining damage who paid a charge completes a mining damage prevention project directly, when a person who is not responsible for preventing mining damage completes a mining damage prevention project due to the suspension and abandonment of mines, when a person responsible for preventing mining damage waives a project plan due to unavoidable causes, or when the Minister of Trade, Industry and Energy cancels approval of a project plan pursuant to Article 9, the charges paid pursuant to Article 24 shall be settled for additional collection or refunding. *<Amended by*

Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>

(2) The refund referred to in paragraph (1) shall be paid from the revenue account of investment account of the special accounts for energy and resources-related projects. *<Newly Inserted by Act No. 9010, Mar. 28, 2008; Act No. 12154, Jan. 1, 2014>*

(3) Criteria and procedures for additionally collecting and refunding charges as a result of the settlement of charges shall be determined by Presidential Decree. *<Amended by Act No. 9010, Mar. 28, 2008>*

(4) When a person responsible for preventing mining damage dies or when a mining concession or a mining lease is transferred, the right and duty of the person responsible for preventing mining damage under paragraph (1) shall be transferred to a general successor. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 26 (Collection of Charges and Surcharges)

(1) Where a person liable to pay a charge pursuant to Articles 24 and 25 fails to pay the charge, the Minister of Trade, Industry and Energy shall issue a letter of reminder to the person within 15 days from the date on which the payment deadline expires. In such cases, the payment deadline shall not exceed ten days from the date a letter of reminder is issued. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Where a person liable to pay a charge under paragraph (1) fails to pay the charge by the payment deadline, a surcharge equivalent to 1/100 of the charge in arrears shall be collected for the period starting from the day following the date the payment is due, to the day preceding the date the payment is made. In such cases, the Minister of Trade, Industry and Energy may order the suspension of use of mining facilities in accordance with the procedures determined by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

(3) Where a person fails to pay a charge in arrears, the Minister of Trade, Industry and Energy shall impose a compound penalty equivalent to 1/100 of the charge in arrears in addition to a surcharge under paragraph (2) whenever one month passes from the date the payment deadline expires. In such cases, the total amount of surcharges shall not exceed 5/100 of the charge. *<Newly Inserted by Act No. 13080, Jan. 28, 2015>*

(4) Where charges or surcharges (hereinafter referred to as "surcharges") under paragraphs (2) and (3) is not paid by the designated deadline, the Minister of Trade, Industry and Energy may collect them in the same manner as national taxes in arrears. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13080, Jan. 28, 2015>*

(5) Where necessary to collect charges and surcharges, the Minister of Trade, Industry and Energy may request the head of the competent tax office or the head of the competent local government to provide tax information pursuant to the Framework Act on National Taxes and the Framework Act on Local Taxes. In such cases, the head of the competent tax office or the head of the competent local government in receipt of a request to provide tax information shall comply with such request, except in extenuating circumstances. *<Newly Inserted by Act No. 13080, Jan. 28, 2015>*

(6) Matters necessary for detailed criteria and procedures for imposing charges and surcharges and methods for calculation of charges and surcharges shall be prescribed by Presidential Decree. <Amended by Act No. 13080, Jan. 28, 2015>

Article 26-2 (Write-off)

(1) Where a person has failed to pay a charge or surcharge due to any of the following causes, the Minister of Trade, Industry and Energy may write off such charge or surcharge in arrears:

1. Where an amount allocated to make up for an amount in arrears after the collection of arrears has been completed is less than such amount in arrears;
2. Where extinctive prescription of the authority to collect charges and surcharges is complete;
3. Where the assumed value of total property subject to collection of arrears is inadequate after making up for expenses incurred in collecting arrears;
4. Where it is impossible to collect the amount in arrears because the whereabouts of a debtor is unknown, or it is proven that the debtor has no property.

(2) Where the Minister of Trade, Industry and Energy discovers other property which he/she can seize after making a write-off pursuant to paragraph (1), he/she shall immediately cancel such write-off and collect the arrears: Provided, That the foregoing shall not apply to cases falling under paragraph (1) 2.

Article 27 (Operation and Management of Mining Damage Prevention Funds)

Mining damage prevention funds shall be operated and managed by the Minister of Trade, Industry and Energy in accordance with the Act on the Special Accounts for Energy and Resources-Related Projects.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12154, Jan. 1, 2014>

Article 28 (Inspection of Mining Damage Prevention Facilities, etc.)

(1) With respect to work for the installation or modification of mining damage prevention facilities determined by Presidential Decree, a person responsible for preventing mining damage or the operator of a mining damage prevention project shall undergo an inspection by the Minister of Trade, Industry and Energy at each stage of such work, and shall not use the facilities which fail to pass the inspection.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the methods of, and procedures for, inspecting work for the installation and modification of mining damage prevention facilities under paragraph (1) shall be determined by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 29 (Report and Inspection)

(1) The Minister of Trade, Industry and Energy may order persons responsible for preventing mining damage, operators of mining damage prevention projects, owners or installers of mining damage prevention facilities, etc. to report matters concerning their business affairs or have the public officials under his/her control enter business offices and other places of business and inspect books of account, documents and other things related to their business affairs to the extent necessary for implementing mining damage prevention projects. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Any person who conducts the inspection referred to in paragraph (1) shall carry a certificate indicating his/her authority and present it to related persons.

(3) Matters necessary for the methods of, and procedures for, the inspection referred to in paragraph (1) shall be determined by Presidential Decree.

Article 30 (Post-Management and Maintenance of Mining Damage Prevention Facilities)

(1) The Minister of Trade, Industry and Energy may have the operator of a mining damage prevention project conduct the duty to manage and maintain the mining damage prevention facilities determined by Presidential decree to prevent mining damage that continuously occurs in abandoned mines. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Where a person responsible for preventing mining damage of an inactive mine or abandoned mine has already paid a charge, the responsibility for the management and maintenance of the relevant mining damage prevention facilities shall be succeeded by the Mine Reclamation Corporation referred to in Article 31 from the date on which the charge was paid. *<Amended by Act No. 9010, Mar. 28, 2008>*

(3) The head of each relevant central administrative agency may investigate whether soil, groundwater, rivers, etc. are polluted, as prescribed by relevant Acts, to assess the impact of pollution on the environment of the surrounding areas of the mine in which a mining damage prevention project has been completed.

(4) Where the head of each relevant central administrative agency deems that soil, groundwater, rivers, etc. are polluted or are likely to be polluted by the factor of mining damage as a result of the investigation referred to in paragraph (3), he/she shall notify the Minister of Trade, Industry and Energy of the results of the investigation. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Trade, Industry and Energy shall review the results of the investigation notified pursuant to paragraph (4) and reflect countermeasures against pollution in an action plan referred to in Article 8 (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 31 (Establishment of Mine Reclamation Corporation)

(1) There shall be established a Mine Reclamation Corporation (hereinafter referred to as the "Corporation") to effectively implement mining damage prevention projects. *<Amended by Act No. 9010, Mar. 28, 2008>*

(2) The Corporation shall be a juristic person *<Amended by Act No. 9010, Mar. 28, 2008>*

(3) Matters to be entered in the articles of association of the Corporation and other matters necessary for operation shall be determined by Presidential Decree. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 32 (Office)

(1) The seat of the principal office of the Corporation shall be determined by the articles of association. *<Amended by Act No. 9010, Mar. 28, 2008>*

(2) The Corporation may, when necessary to conduct its duties, have local offices and branches in necessary places as prescribed by the articles of association. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 33 (Registration)

(1) The Corporation shall be incorporated by completing registration for incorporation at the seat of its principal office. <Amended by Act No. 9010, Mar. 28, 2008>

(2) Matters necessary for the registration for incorporation of the Corporation, registration of establishment of local offices and branches and other registrations of the Corporation shall be determined by Presidential Decree. <Amended by Act No. 9010, Mar. 28, 2008>

(3) With respect to matters requiring registration other than the registration for incorporation, the Corporation shall not have defenses against a third party unless those matters are registered. <Amended by Act No. 9010, Mar. 28, 2008>

Article 34 (Officers and Employees)

(1) The Corporation shall have the officers and employees in each of the following subparagraphs: <Amended by Act No. 9010, Mar. 28, 2008>

1. One chief director;
2. Not less than five and not more than nine directors;
3. One auditor.

(2) Deleted. <Amended by Act No. 9010, Mar. 28, 2008>

(3) The officers shall be appointed and dismissed in accordance with the provisions of the Act on the Management of Public Institutions: Provided, That not less than two experts in the field of environment shall be included in the directors. <Amended by Act No. 9010, Mar. 28, 2008>

(4) Deleted. <Amended by Act No. 9010, Mar. 28, 2009>

(5) The term of office of the chief director shall be three years and the term of office of directors and auditors shall be two years and they may be reappointed by the unit of one year. <Amended by Act No. 9010, Mar. 28, 2008>

(6) The Corporation shall have employees to handle its affairs as prescribed by the articles of association and the employees shall be appointed and dismissed by the chief director. <Amended by Act No. 9010, Mar. 28, 2008>

Article 35 (Restriction on Concurrent Offices of Officers and Employees)

(1) No officer or employee of the Corporation shall be engaged in an activity aimed at making profits except in the course of his/her duties. <Amended by Act No. 9010, Mar. 28, 2008>

(2) No employee shall take concurrent office without the permission of the chief director.

Article 36 (Chief Director's Right of Representation, etc.)

(1) The chief director shall represent the Corporation and supervise the operation and affairs of the Corporation. <Amended by Act No. 9010, Mar. 28, 2008>

(2) With respect to the matters in which the interest of the Corporation conflicts with that of the chief director, the chief director shall not represent the Corporation. In such cases, the auditor shall represent the Corporation. <Amended by Act No. 9010, Mar. 28, 2008>

Article 37 (Appointment of Agent)

The chief director may appoint an agent authorized to conduct some of acts concerning the activities of the Corporation except for trials from among its employees as prescribed by the articles of association.

<Amended by Act No. 9010, Mar. 28, 2008>

Article 38 (Prohibition against Divulging Confidential Information)

Each person who is or was an officer or employee of the Corporation shall not divulge or make fraudulent use of any confidential information learned in connection with his/her duties or have another person use such information. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 39 (Activities)

(1) The Corporation shall implement mining damage prevention projects referred to in Article 11 and engage in the following activities: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008>*

1. Establishment of mining damage prevention plans and formulation of measures for the prevention of mining damage for each mine;
2. Compensation for loss caused by mining damage;
3. Environmental improvement in mining areas;
4. Activities entrusted by the State or local governments in connection with mining damage prevention projects;
5. Guarantee of performance of liabilities, etc. to be assumed by mining concession holders or mining lessees in accordance with other Acts;
6. Assistance to the activities referred to in subparagraphs 1 through 8 of Article 29 of the Coal Industry Act;
7. Promotion of rationalization of the coal industry, safety support activities for the coal mining industry, activities for the improvement of quality of coal and coal-processed products, research, investigation, statistics and public relations for the prevention of mining damage and rationalization of the coal industry;
8. Other activities entrusted by the State, local governments, corporations or individuals.

(2) The Corporation may be entitled to support, such as the reduction and exemption of taxes pursuant to the Restriction of Special Taxation Act or other relevant Acts. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 39-2 (Overseas Projects)

(1) The Corporation may implement mining damage prevention projects overseas.

(2) Where the Corporation intends to implement an overseas mining damage prevention project under paragraph (1) (hereafter referred to as "overseas project" in this Article), it shall obtain a resolution from the board of directors organized pursuant to Article 17 of the Act on the Management of Public Institutions.

(3) The Corporation shall not use the following funds as financial resources for investment in overseas projects:

1. Mining damage prevention funds under Article 22 (excluding where such funds are used for international technical cooperation under subparagraph 5 of Article 11 in accordance with Article 23);
 2. Contributions from the Government under Article 41;
 3. Dividends from a casino business operator permitted under Article 11 of the Special Act on the Assistance to the Development of Abandoned Mine Areas.
- (4) The Corporation shall use the profits generated from overseas projects for any of the following purposes:

1. Re-investment in overseas projects;
2. Domestic mining damage prevention projects;
3. Projects incidental to overseas projects.

(5) The Corporation shall deal with accounting for overseas projects separate from other accounting of the Corporation. *<Amended by Act No. 13080, Jan. 28, 2015>*

Article 39-3 (Authority of Corporation)

Where necessary to implement a project the Corporation executes pursuant to Article 39, it may request the head of a local government to provide contact details of landowners, etc. In such cases, the head of the local government shall not use personally identifiable information he/she has received for any purpose other than the original purpose thereof.

Article 40 (Operational Expenses of Corporation)

Expenses necessary for the operation of the Corporation shall be met with the following financial resources: *<Amended by Act No. 9010, Mar. 28, 2008>*

1. Government contributions;
2. Mining damage prevention funds referred to in Article 23 (1) 6;
3. Other income from property.

Article 41 (Government Support)

The Government may make contributions to the Corporation out of the special accounts for energy and resources-related projects or general accounts to cover the following expenses: *<Amended by Act No. 9010, Mar. 28, 2008>*

1. Operational expenses;
2. Expenses for research and technology development for the prevention of mining damage;
3. Some of expenses incurred in implementing mining damage prevention projects for active mines, inactive mines and abandoned mines (limited to abandoned mines where persons responsible for preventing mining damage exist) in accordance with action plans;
4. Expenses incurred by the following mines in implementing mining damage prevention projects:
 - (a) Coal mines closed in response to rationalization for the coal industry pursuant to Article 39-2 of the Coal Industry Act;
 - (b) Metal and non-metal mines closed without any cause of mining damage.

5. Expenses incurred in implementing emergency mining damage prevention projects referred to in Article 17;
6. Expenses incurred in compensating for loss referred to in Article 19 (5);
7. Expenses for indemnity for damage caused by mining damage.

Article 42 (Instruction on and Supervision over Business)

(1) The Minister of Trade, Industry and Energy shall provide instruction or supervision over the Corporation's business related to any of the following matters: *<Amended by Act No. 9010, Mar. 28, 2008; Act No. 10496, Mar. 30, 2011; Act No. 11690, Mar. 23, 2013>*

1. Matters concerning the formulation and implementation of project plans;
2. Matters concerning the stable operation of coal mines and the securing of stability in the use of coal-processed products;
3. Matters concerning the promotion of abandoned mine areas and the boosting of local economy;
4. Overseas mining damage prevention projects under Article 39-2;
5. Matters prescribed by Presidential Decree as necessary for achieving management goals of the Corporation.

(2) The Minister of Trade, Industry and Energy may give the Corporation orders necessary for carrying out its business, within the extent necessary for instruction and supervision under paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Within the extent necessary for instruction and supervision under paragraph (1), the Minister of Trade, Industry and Energy may have the Corporation report necessary matters on its business, accounting and property, or have public officials under his/her control inspect books of account, documents or other articles of the Corporation. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Public officials who conduct an inspection under paragraph (3) shall carry a certificate indicating their authority and produce it to relevant persons.

Article 43 (Provisions of Civil Act Applicable Mutatis Mutandis)

Except as otherwise provided in this Act, the provisions of the Civil Act, which pertain to incorporated foundations shall apply mutatis mutandis to the Corporation. *<Amended by Act No. 9010, Mar. 28, 2008>*

Article 44 (Fees)

When a person responsible for preventing mining damage intends to entrust an investigative institution or inspective institution determined by Presidential Decree with the confirmation of mining damage, investigation for the determination of the scope of compensation for loss caused by mining damage, field study for mining damage prevention projects, inspection of mining damage prevention facilities referred to in Article 28, investigation of whether mining damage prevention facilities are working normally, investigation of the degree of pollution, etc., the Minister of Trade, Industry and Energy may have him/her pay fees to such institutions, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 45 (Legal Fiction of Public Officials in Application of Penal Provisions)

Every officer or employee of the Corporation shall be deemed a public official in the application of the penal provisions of the Criminal Act and other Acts. <Amended by Act No. 9010, Mar. 28, 2008>

Article 46 (Delegation and Entrustment of Authority)

The Minister of Trade, Industry and Energy may delegate part of his/her authority or duties under this Act to the heads of the institutions under his/her control or to Mayors/Do Governors or entrust it to the Corporation, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9010, Mar. 28, 2008; Act No. 11690, Mar. 23, 2013>

Article 47 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding 20 million won:

1. A person who implements a mining damage prevention project without obtaining approval for a project plan referred to in Article 8 (3);
2. A person who violates an order for the change or suspension of emergency mining damage prevention projects referred to in Article 17 (4);
3. A person who refuses, interferes with or evades the submission of a report or an inspection referred to in Article 29 (1);
4. A person who violates the duty not to divulge confidential information referred to in Article 38.

Article 48 (Penal Provisions)

Each person who uses a facility which has not undergone the inspection referred to in Article 28 or failed to pass the inspection shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won.

Article 49 (Fines for Negligence)

(1) Any of the following persons shall be punished by a fine for negligence not exceeding ten million won: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. and 2. Deleted; <by Act No. 13080, Jan. 28, 2015>

3. A person who refuses, interferes with or evades an inspection under Article 42 (3).

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) through (5) Deleted. <by Act No. 10496, Mar. 30, 2011>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Mining Damage Prevention Facilities)

Mining damage prevention facilities installed pursuant to the following subparagraphs as at the time this Act enters into force shall be deemed to have obtained the approval under Article 8 (3):

1. Facilities installed with the approval under Article 8 of the Mining Safety Act;
2. Facilities installed by Mayors/Do Governors in abandoned mines, and facilities installed by the Coal Industry Promotion Board established pursuant to Article 31 of the Coal Industry Act with the mine closure countermeasures expenses under Article 39-3 of the same Act in abandoned mines;
3. Other facilities installed with the authorization of the Minister of Environment or the relevant Mayor/Do Governor in accordance with related Acts, such as the Wastes Control Act, in order to prevent mining damage.

Article 3 (Transitional Measures concerning Establishment of Mining Damage Prevention Organization)

(1) The Coal Industry Promotion Board established pursuant to Article 31 of the Coal Industry Act as at the time this Act enters into force may apply to the Minister of Commerce, Industry and Energy to have the Mining Damage Prevention Organization to be established under this Act succeed to all rights, duties and property in accordance with a resolution of the board of directors.

(2) The Coal Industry Promotion Board, having obtained the approval from the Minister of Commerce, Industry and Energy according to the application under paragraph (1), shall be deemed to have been dissolved in concurrence with the establishment of the Mining Damage Prevention Organization, notwithstanding the provisions of the Civil Act, which pertain to the dissolution and liquidation of corporations, and all the rights, duties and property that belong to the corporation shall be succeeded by the Mining Damage Prevention Organization.

(3) The value of the property to be succeeded by the Mining Damage Prevention Organization pursuant to paragraph (2) shall be the book value on the date preceding the date of registration of incorporation of the Mining Damage Prevention Organization.

ADDENDA <Act No. 8355, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9010, Mar. 28, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 (Applicability to Executives of Corporation)

Provisions concerning executives, among amended provisions of Article 34, shall apply to the first executive appointed after this Act enters into force.

Article 3 (Transitional Measures concerning Mining Damage Prevention Organization)

The Mining Damage Prevention Organization established pursuant to the previous provisions as at the time this Act enters into force shall be deemed the Mine Reclamation Corporation established under the amended provisions of Article 31.

Article 4 Omitted.**Article 5 (Relations with other Acts and Subordinate Statutes)**

The citation of the previous Mining Damage Prevention Organization in other Acts and subordinate statutes as at the time this Act enters into force shall be deemed the citation of the Mine Reclamation Corporation under this Act.

ADDENDA <Act No. 9982, Jan. 27, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 10496, Mar. 30, 2011>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Applicability to Deadline to Notify Charges) The amended provisions of Article 24 (3) shall apply to charges calculated on and after this Act enters into force.

(3) (Applicability to Separate Dealing with Accounting of Overseas Projects) The separate dealing with accounting of overseas projects pursuant to the amended provisions of Article 39-2 (5) shall apply starting from the fiscal year following the fiscal year in which the enforcement date of this Act falls.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12154, Jan. 1, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Act No. 13080, Jan. 28, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Applicability to Collection of Charges and Additional Charges)

The amended provisions of Article 26 (2) and (3) shall apply beginning with the collection of the first charge and first surcharge for which the payment deadline comes after this Act enters into force.

Article 3 (Transitional Measures concerning Incompetents, etc.)

Each person, in whose case the effect of the declaration of incompetence or quasi-incompetence is maintained pursuant to Article 2 (2) of Addenda of the Civil Act, partly amended by Act No. 10429, shall be deemed as an incompetent under the adult guardianship under the amended provision of subparagraph 1 of Article 14.

